

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA

VS.

JAMES CHISTOPHER BENVIE

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CAUSE NO.: 19-CR-1715-RB

**SECOND UNOPPOSED MOTION TO
CONTINUE TRIAL SETTING**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, JAMES CRHISTOPHER BENVIE, Defendant, through his attorney, Orlando Mondragon, hereby moves this Honorable Court to continue the jury trial currently set for December 16, 2019. Defendant requests that the court issue an order to continue the trial setting for 60 days.

1. Defendant is set for Jury Selection and Trial on December 16, at 9:00 a.m.
2. Undersigned was appointed on August 13, 2019. Initial discovery was received on August 21, 2019. Defendant is at the halfway house in Albuquerque, New Mexico. There is a protective order concerning the discovery which prevents undersigned counsel from providing a copy of the discovery to the Defendant.
3. A second set of discovery was received by Counsel on October 25, 2019. The second set of discovery consists of at least 61 videos ranging from a couple of minutes to at least 30 minutes. It is anticipated that counsel, due to the additional discovery, will not be ready for the scheduled trial on December 16, 2019. Additionally Counsel has to schedule a time to travel to Albuquerque and review the additional discovery with the Defendant and discuss all his options and defenses.
4. Counsel is still in negotiations and is requesting additional time to continue to review discovery and continue negotiations. Counsel needs additional time to adequately prepare for this case.

5. Undersigned has notified Assistant United States Attorney Randy Castellano, and he does not oppose this second request for Continuance.
6. Therefore, undersigned counsel is requesting for the Hearing to be reset for sixty (60) days after December 16, 2019 or to a future jury trial date the court determines is reasonable.
7. This motion is not made for purposes of delay but that justice may be done.

WHEREFORE, PREMISES CONSIDERED, Defendant prays that the Court enter its order continuing this cause, or, in the alternative, set this motion for hearing.

Respectfully submitted,

By: /s/ Orlando Mondragon
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CERTIFICATE OF SERVICE

I hereby certify that on the 8th of November 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all counsels of record in this cause.

/s/ Orlando Mondragon

Attorney for JAMES CHRISTOPHER BENVIE